



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,734	06/29/2001	Richard A. Seibel	P 275022 P10470	3324

909 7590 06/19/2003

PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

gm

Office Action Summary

Application No.

09/893,734

Applicant(s)

SEIBEL ET AL.

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2645

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-10 and 16-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rogers et al, U.S. Patent No. 5,946,386 (hereinafter Rogers).

Regarding claim 1, Rogers discloses a method for an interactive unified messaging device (see abstract), said method comprising receiving, by an interactive unified messaging device, a call from a caller, wherein the caller is identified by caller ID information; retrieving a configuration of said caller based at least in part on said caller ID information and

Art Unit: 2645

responding to the call based in at part on said configuration of said caller (col. 2, lines 10-35).

Regarding claim 2, see col. 23, lines 25-50.

Regarding claim 3, see col. 2, lines 10-35.

Regarding claim 4, see col. 38, lines 40-55 and col. 46, lines 1-30.

Regarding claim 5, see col. 3, lines 50-65. Also see col. 38, lines 40-55.

Regarding claims 6 and 7, see col. 38, lines 40-55.

Regarding claim 8, see col. 46, lines 1-30.

Regarding claim 9, see col. 15, lines 35-45.

Regarding claim 10, see columns 36-38.

Regarding claims 16-19, see Figures 6a-6d.

Regarding claim 20, see Figure 7abc.

Claim 21 is rejected for the same reasons as claim 1.

Claim 22 is rejected for the same reasons as claim 3.

Claim 23 is rejected for the same reasons as claim 2.

Regarding claim 24, Rogers discloses a system for an interactive unified messaging device comprising:

an interactive unified messaging device configured to receive a call from a caller, wherein said caller is identified

Art Unit: 2645

by caller ID information, to retrieve a configuration of said caller, and to respond to the call based at least in part on said configuration (col. 2, lines 10-35);

a telephone connected to said interactive unified messaging device, said telephone being configured to convey information between a user and said interactive unified messaging device and a network access device connected to said interactive unified messaging device, said network access device being configured to access on or more computer connected to a network (see Figure 1).

Regarding claim 25, see col. 3, lines 35-40.

Regarding claim 26, see Figure 1.

Claim 27 is rejected for the same reasons as claim 1.

Claim 28 is rejected for the same reasons as claim 3.

Claim 29 is rejected for the same reasons as claim 16.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

Art Unit: 2645

the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 11-15 are rejected under 35 U.S.C § 103(a) as being unpatentable over Rogers in view of Miner et al, U.S. Patent No. 6,047,053 (hereinafter Miner).

Regarding claim 11, Rogers does not disclose configuring an event reminder comprises specifying event information, choosing a mechanism by which said event reminder is to be executed and determining a manner in which said event reminder is to be executed. However Miner discloses the claimed configuring, specifying and determining steps (see Figures 12, 29 and 30, also col. 40, line 30 to col. 42, line 35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rogers with the configuring, specifying, choosing and determining steps taught by Miner. This modification allows for reminders to be scheduled and managed as suggested by Miner.

Regarding claims 12-15, see Figures 12, 29 and 30. Also see col. 40, line 30 to col. 42, line 35.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa

Art Unit: 2645

Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
June 10, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', with a long horizontal stroke extending to the right.